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SUBJECT: CROATIAN PM: SLOVENIA WILL VOTE IN FAVOR OF CROATIA'S NATO ACCESSION; CROATIA WILLING TO DISCUSS MODIFIED VERSION OF REHN PROPOSAL

Classified By: Ambassador Robert A. Bradtke for reasons 1.4 (b) & (d).

¶1. (C) Summary: During a February 5 meeting, Croatian Prime Minister Sanader affirmed that both Slovene Prime Minister Pahor and opposition leader Jansa assured him personally that the Slovene Parliament will vote in favor of Croatia's NATO accession early next week. As for the border dispute between Slovenia and Croatia and its impact on Croatia's EU accession, Sanader said that the current formulation of EU Enlargement Commissioner Rehn's proposal that a senior experts group be formed to resolve bilateral border issues is not acceptable as it stands. However, he added that Croatia is open to exploring a modified version of this proposal as put forward by European Parliament Rapporteur Swoboda. End Summary.

¶2. (C) During a February 5 meeting with the Ambassador, Prime Minister Sanader said that he has been in telephone contact with Slovene Prime Minister Pahor and opposition leader Jansa and affirmed that he had received personal assurances from both of them that the Slovene parliament would vote early next week in favor of the ratification of NATO protocols for Croatia and Albania. Sanader also confirmed that, as reported in the press, he and Pahor had agreed to meet at the end of February.

¶3. (C) Asked about his views on efforts by European Commissioner for Enlargement Rehn to overcome Slovene opposition to progress in Croatia's EU accession talks because of their border dispute, Sanader detailed his conversations with Rehn about his proposal to establish a Senior Experts Group (SEG) to arbitrate the issue. Sanader said that the Rehn proposal (text paragraph 7) as it stands is "not acceptable" to Croatia. In his view, the only way to resolve the border issue is to bring it to arbitration at the International Court of Justice in the Hague, and he firmly renewed Croatia's commitment to accept any legal ruling made in that framework. On the other hand, if Croatia were forced to accept a "political decision" that would come from the Rehn proposed SEG, it would be, in Sanader's his view, "moving toward blackmail." The ICJ, according to Sanader, "is the most elegant procedure possible" for both sides because then no government or Prime Minister could hold responsible for the decision, which in turn would make it a far easier outcome to present to the public in both countries.

¶4. (C) The Ambassador welcomed Sanader's efforts to reach out to PM Pahor, but noted that the Slovenes seemed unlikely to go before the ICJ to resolve the border dispute. Sanader responded by commenting that he sees opinion among EU countries moving against Slovenia. The European Parliament, for example, is drafting a resolution stating that both countries should go before the ICJ to resolve their border dispute. This action by the EP and the views of the member

states, Sanader argued, would pressure the Slovenes to accept a legal solution by the ICJ.

¶15. (C) According to Sanader, European Parliament Rapporteur for Croatia Hanes Swoboda agrees that the Rehn proposal is not acceptable as it stands. Sanader said that during his visit last week, Swoboda suggested that the border issues be adjudicated within the ICJ framework, while the Senior Experts Group could focus on a political solution to issues such as shipping corridors and fisheries. Sanader also noted that Istvan Szent-Ivanyi, a member of the European parliament and a member, with Rehn, of the Liberal group, proposed another potentially workable variant on the Rehn proposal: if one side is not happy with the decision of the SEG, then the ICJ would be brought into to make a final decision. In any event, Sanader promised that Croatia will not reject the Rehn proposal outright, although a legal resolution to the border issue is the only acceptable way forward.

¶16. (C) Comment: Throughout the conversation, Sanader made clear that he could not accept a process that might resolve the border dispute based upon what he sees as "political" criteria, rather than strict application of international law principles. In taking this position, he sees encouragement coming from Swoboda and at least some other EU leaders. At the same time, Sanader appears to recognize that Croatia cannot risk outright opposition to the Rehn proposal. We would expect the Croatians to come back with a response to Rehn that will seek to amend his proposal to align it more closely with their own desire for the border to be resolved through international legal arbitration.

¶17. (C) Text of Rehn Proposal

Basic elements for a joint statement on European Facilitation of the border issue between Slovenia and Croatia, 26 January 2009

- The Governments of Slovenia and Croatia agree to set up a Senior Experts Group (SEG) with the aim of resolving their bilateral border issue. The setting up of the group is to be facilitated by the European Commission.
- The SEG will consult the authorities and civil societies in both countries and subsequently make recommendations on the resolution of the border issue.
- The composition of the SEG is as follows: X Y Z, chaired by ¶IX.
- Both countries are committed to respecting the recommendation(s) of the SEG
- The SEG will make its recommendation(s) before the end of ¶2009.
- In the meantime, no document presented during the EU accession negotiations on Croatia will commit any of the negotiating states on the border issue.
- Both countries are committed to Croatia's EU accession as soon as each country has met the conditions established. Following this statement, Croatia's EU negotiations will continue according to the negotiating framework. End Text.

¶18. (C) Sanader requested that the text of the proposal and the fact that a copy was provided by him to the USG be kept in strict confidence.

BRADTKE